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EXAMINER
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HICKS, MICHAEL J

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/688,097  
Filing Date: October 17, 2003  
Appellant(s): GODOY ET AL.

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Meghan Q. Toner  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 9/19/2008 appealing from the Office action mailed 7/21/2008.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6598027	Breen, Jr. et al.	7-2003
2003/0182391	Leber et al.	9-2003
2002/0154114	Christensen et al.	10-2002
2001/0051904	Nishimura	12-2001

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-6 and 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura (US 2001/0051904 A1 )in view of Christensen et al. (US 2002/0154114 A1 ) and further in view of Breen, Jr. et al (US 6,598,027 B1 ).

As per claim 1 Nishimura is directed to a method of managing custom data by computer during an electronic purchase, the method comprising: selecting an item for purchase (page 5, paragraph 0073, wherein "for" is interpreted to be intended use language (see MPEP 2106 II C) and should be replaced with "to"); determining a set of attributes for the item, wherein the attributes include item- based attributes and purchase-based attributes (page 4, paragraph 0062), comparing the set of attributes to a set of keys, wherein each key is generated based on data collected on a custom data form and wherein each key includes an attribute with a corresponding matching value (figure 9, "quantity" and "price"; page 5, paragraph 0078, lines 11-15; page 6, paragraph 0085, lines 1-7); and displaying the custom data form using the computer in the case where the corresponding matching value of an attribute in the set of keys matches the at least one value of each attribute for the item (page 7, paragraph 102, lines 1-7; page 7, paragraph 0103, lines 7-9, wherein "in the case where the corresponding" is unnecessary as it suggests optional language. It is suggested that it be removed).

Nishimura does not teach wherein each item-based attribute relates to information about the item and each purchase-based attribute relates to information about the electronic purchase and wherein each attribute is associated with at least one value.

Christensen et al. teaches wherein each item-based attribute relates to information about the item and each purchase-based attribute relates to information about the electronic purchase and wherein each attribute is associated with at least one value (Christensen et al., page 3, lines 18-22);

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Nishimura by teachings of Christensen et al. to include wherein each item-based attribute relates to information about the item and each purchase-based attribute relates to information about the electronic purchase and wherein each attribute is associated with at least one value because attributes are variables that hold data or value as is well known in the art.

Combination of Nishimura and Christensen et al. still does not teach obtaining government regulatory information from a customer that is required to comply with disclosure and reporting requirements for a purchase of chemicals via the custom data form.

Breen, Jr. et al. teaches obtaining government regulatory information from a customer that is required to comply with disclosure and reporting requirements for a purchase of chemicals via the custom data form (Breen, Jr. et al., figure 2 # 130; Breen Jr. et al., figure 10 D; Breen, Jr. et al., column 14, lines 30-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the combination of Nishimura and Christensen et al. by teachings of Breen, Jr. et al. to include obtaining government regulatory information from a customer that is required to comply with disclosure and reporting requirements for a purchase of chemicals via the custom data form because entering government information is necessary when purchasing items.

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As per claim 2 Nishimura as modified is directed to the selecting step comprises: adding the item to an electronic shopping cart (Nishimura, page 7, paragraph 0101, wherein item is added to cart after the selects the item); selecting to checkout the electronic shopping cart (Nishimura, page 7, paragraph 0102, lines 7-10, wherein the client determines whether the item appears to be the one selected); and obtaining purchase information for the electronic purchase (Nishimura, page 7, paragraph 0103, lines 5-6).

As per claim 3 Nishimura as modified is directed to wherein the custom data form is displayed after the obtaining step (.Nishimura, page 7, paragraph 0103, lines 7-9).

As per claim 4 Nishimura as modified is directed to comprising generating the custom data form for the item (Nishimura, page 7, paragraph 0103, lines 7-9).

As per claim 5 Nishimura as modified is directed to comprising obtaining custom data using the custom data form (Nishimura, page 7, paragraph 0103, lines 7-9).

As per claim 6 Nishimura as modified is directed to comprising storing the obtained custom data in a database (Nishimura, page 4, paragraph 0063, lines 8-12, wherein custom data can mean any information about the product).

As per claim 9, Nishimura as modified is directed to the custom data form is displayed once for a plurality of items that match the set of keys (Nishimura, figure 9, wherein the form is displayed matching the selected data).

As per claim 10 Nishimura is directed to a method of managing custom data by a computer during an electronic purchase, the method comprising: selecting an item for purchase (page 5, paragraph 0073, wherein "for" is interpreted to be intended use language (see MPEP 2106 II C) and should be replaced with "to"); obtaining purchase information for the item (page 7, paragraph 0103, lines 5-6); determining a set of attributes for the item, wherein the attributes include item- based attributes and purchase-based attributes (page 4, paragraph 0062); comparing the set of attributes to a set of keys, wherein each key is generated based on data collected on a custom data form and wherein each key is includes an attribute with a corresponding matching value (figure 9, "quantity" and "price"; page 5, paragraph 0078, lines 11-15; page 6, paragraph 0085, lines 1-7); displaying the custom data form using the computer in the case where the corresponding matching value of an attribute in the set of keys matches the at least one value of each attribute for the item (page 7, paragraph 102, lines 1-7; page 7, paragraph 0103, lines 7-9, wherein "in the case where the corresponding" is unnecessary as it suggests optional language. It is suggested that it be removed.).

Nishimura does not teach wherein each item-based attribute relates to information about the item and each purchase-based attribute relates to information



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about the electronic purchase and wherein each attribute is associated with at least one value.

Christensen et al. teaches wherein each item-based attribute relates to information about the item and each purchase-based attribute relates to information about the electronic purchase and wherein each attribute is associated with at least one value (Christensen et al., page 3, lines 18-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Nishimura by teachings of Christensen et al. to include wherein each item-based attribute relates to information about the item and each purchase-based attribute relates to information about the electronic purchase and wherein each attribute is associated with at least one value because attributes are variables that hold data or value as is well known in the art.

Nishimura as modified still does not teach storing the obtained custom data and purchase information in a database.

Christensen et al. does teach and storing the obtained custom data and purchase information in a database (Christensen et al., page 5, paragraph 0049, lines 48-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Nishimura as modified by teachings of Christensen et al. to include saving the information in a database because it is more efficient to store the information about item and purchase data together for good recordkeeping.

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Combination of Nishimura and Christensen et al. still does not teach obtaining government regulatory information from a customer that is required to comply with disclosure and reporting requirements for a purchase of chemicals via the custom data form.

Breen Jr. et al. teaches obtaining government regulatory information from a customer that is required to comply with disclosure and reporting requirements for a purchase of chemicals via the custom data form (Breen, Jr. et al., figure 2 # 130; Breen Jr. et al., figure 10 D; Breen, Jr. et al., column 14, lines 30-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the combination of Nishimura and Christensen et al. by teachings of Breen Jr. et al. to include obtaining government regulatory information from a customer that is required to comply with disclosure and reporting requirements for a purchase of chemicals via the custom data form because entering government information is necessary when purchasing items.

As per claim 14 Nishimura is directed to a system for managing custom data by a computer during an electronic purchase, the system comprising: at least one computer including (page 3, paragraph 0054, lines 1-2): a selection system to allow a user to select an item for purchase (page 5, paragraph 0073, wherein "allow" and "for" are interpreted to be intended use language (see MPEP 2106 II C) wherein the prior art meets the claim if it's capable of performing the intended use. It is suggested to change to "to provide and "to purchase" respectively);an attribute system to determine a set of

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attributes for the item, wherein the attributes include item-based attributes and purchase-based attributes (page 4, paragraph 0062,); a key system to compare the set of attributes to a set of keys wherein each key is generated based on data collected on a custom data form and wherein each key includes an attribute with a corresponding matching value (figure 9, "quantity" and "price"; page 5, paragraph 0078, lines 11-15; page 6, paragraph 0085, lines 1-7); and a form system to display the custom data form using the computer in the case where the corresponding matching value of an attribute in the set of keys matches the at least one value of each attribute for the item (page 7, paragraph 102, lines 1-7; page 7, paragraph 0103, lines 7-9, wherein "in the case where the corresponding" is unnecessary as it suggests optional language. It is suggested that it would be removed).

Nishimura does not teach wherein each item-based attribute relates to information about the item and each purchase-based attribute relates to information about the electronic purchase and wherein each attribute is associated with at least one value.

Christensen et al. teaches wherein each item-based attribute relates to information about the item and each purchase-based attribute relates to information about the electronic purchase and wherein each attribute is associated with at least one value (Christensen et al., page 3, lines 18-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Nishimura by teachings of Christensen et al. to include wherein each item-based attribute relates to information about the item and

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each purchase-based attribute relates to information about the electronic purchase and wherein each attribute is associated with at least one value because attributes are variables that hold data or value as is well known in the art.

Combination of Nishimura and Christensen et al. still does not teach obtaining government regulatory information from a customer that is required to comply with disclosure and reporting requirements for a purchase of chemicals via the custom data form.

Breen Jr. et al. teaches obtaining government regulatory information from a customer that is required to comply with disclosure and reporting requirements for a purchase of chemicals via the custom data form ((Breen, Jr. et al., figure 2 # 130; Breen, Jr. et al., figure 10 D; Breen, Jr. et al., column 14, lines 30-40).).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the combination of Nishimura and Christensen et al. by teachings of Breen Jr. et al. to include obtaining government regulatory information from a customer that is required to comply with disclosure and reporting requirements for a purchase of chemicals via the custom data form because entering government information is a law when purchasing items. As per claim 15 Nishimura as modified is directed to comprising a checkout system to obtain purchase information for the item (Nishimura, page 7, paragraph 0103, lines 5-6).

As per claim 16 Nishimura as modified is directed to comprising a storage system to store custom data, wherein the form system further obtains the custom data

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using the custom data form (.Nishimura, page 4, paragraph 0063, lines 8-12, wherein custom data can mean any information about the product).

As per claim 17 Nishimura as modified is directed to the storage system includes: a custom data group table to store an entry for a custom data group, wherein the custom data group includes each item in the electronic purchase that matches the set of keys (Nishimura, figure 2 shows table with various keys).

Nishimura as modified still does not teach custom data group table to store an entry for the custom data for the custom data group if the custom data form is displayed once for the custom data group as well as an item custom data table to store an entry for the custom data for each item in the custom data group if the custom data form is displayed once for each item in the custom data group.

Christensen et al. does teach custom data group table to store an entry for the custom data for the custom data group if the custom data form is displayed once for the custom data group as well as an item custom data table to store an entry for the custom data for each item in the custom data group if the custom data form is displayed once for each item in the custom data group (Christensen et al., page 5, paragraph 0049, lines 48-51, wherein the database is made up of tables).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Nishimura by teachings of Christensen et al. to include custom data group table to store an entry for the custom data for the custom data group if the custom data form is displayed once for the custom data group as well

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as an item custom data table to store an entry for the custom data for each item in the custom data group if the custom data form is displayed once for each item in the custom data group because storing data in tables is convenient and efficient process.

As per claim 18 Nishimura is directed to a computer program product stored on a recordable medium for managing custom data during an electronic purchase, which when executed by a computer comprises: program code to allow a user to select an item for purchase (page 5, paragraph 0073, wherein, wherein "allow" and "for" are interpreted to be intended use language (see MPEP 2106 II C) wherein the prior art meets the claim if it's capable of performing the intended use. It is suggested to change to "to provide and "to purchase" respectively); program code to determine a set of attributes for the items, wherein the attributes include item-based attributes and purchase-based attributes (page 4, paragraph 0062); program code to compare the set of attributes to a set of keys wherein each key is generated based on data collected on a custom data form and wherein each key includes an attribute with a corresponding matching value wherein each item-based attribute relates to information about the item and each purchase-based attribute relates to information about the electronic purchase and wherein each attribute is associated with at least one value (figure 9, "quantity" and "price"; page 5, paragraph 0078, lines 11-15; page 6, paragraph 0085, lines 1-7); and program code to display the custom data form using the computer in the case where the corresponding matching value of an attribute in the set of keys matches the at least one value of each attribute for the item (page 7, paragraph 102, lines 1-7; page 7, paragraph

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0103, lines 7-9, wherein "in the case where the corresponding" is unnecessary as it suggests optional language. It is suggested that it be removed).

Nishimura does not teach wherein each item-based attribute relates to information about the item and each purchase-based attribute relates to information about the electronic purchase and wherein each attribute is associated with at least one value.

Christensen et al. teaches wherein each item-based attribute relates to information about the item and each purchase-based attribute relates to information about the electronic purchase and wherein each attribute is associated with at least one value (Christensen et al., page 3, lines 18-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Nishimura by teachings of Christensen et al. to include wherein each item-based attribute relates to information about the item and each purchase-based attribute relates to information about the electronic purchase and wherein each attribute is associated with at least one value because attributes are variables that hold data or value as is well known in the art.

Combination of Nishimura and Christensen et al. still does not teach obtaining government regulatory information from a customer that is required to comply with disclosure and reporting requirements for a purchase of chemicals via the custom data form.

Breen Jr. et al. teaches obtaining government regulatory information from a customer that is required to comply with disclosure and reporting requirements for a

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purchase of chemicals via the custom data form ((Breen, Jr. et al., figure 2 # 130; Breen, Jr. et al., figure 10 D; Breen, Jr. et al., column 14, lines 30-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the combination of Nishimura and Christensen et al. by teachings of Breen Jr. et al. to include obtaining government regulatory information from a customer that is required to comply with disclosure and reporting requirements for a purchase of chemicals via the custom data form because entering government information is a law when purchasing items.

As per claim 19 Nishimura as modified is directed to further comprising: program code to obtain purchase information for the item (Nishimura, page 7, paragraph 0103, lines 5-6); program code to obtain custom data using the custom data form (Nishimura, page 7, paragraph 0103, lines 7-9).

Nishimura does not teach program code to store the custom data and the purchase information.

Christensen et al. teaches program code to store the custom data and the purchase information (Christensen et al., page 5, paragraph 0049, lines 48-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Nishimura by teachings of Christensen et al. to include saving the information in a database because it is more efficient to store the information about item and purchase data together for good recordkeeping.



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As per claim 20 Nishimura as modified is directed to comprising program code to process the custom data (Nishimura, figure 4, s20, wherein processing happens when the purchase is submitted).

2. Claims 7-8 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura (US 2001/0051904 A1 ) and Christensen et al. (US 2002/0154114 A1 ) and further in view of Breen Jr. et al (US 6,598,027 B1 ) and further still in view of Leber et al. (US 2003/0182391 A1 ).

As per claim 7 Nishimura as modified does not teach concatenating custom data obtained using at least two input fields in the custom data form.

Leber et al. does teach concatenating custom data obtained using at least two input fields in the custom data form (.Leber et al., figure. 2b, 288).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further combine the Nishimura as modified by teachings of Leber et al. to include concatenating custom data obtained using at least two input fields in the custom data form because doing so keeps all the relevant data together.

Nishimura as modified still does not teach storing the concatenated custom data as a large object in the database.

Leber et al. does teach storing the concatenated custom data as a large object in the database (Leber et al., page 4, paragraph 0067, lines 7-8).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to further combine the Nishimura as modified by teachings of Leber et al. to include saving the information in a database because it is more efficient to store the data in a repository that is easily accessed.

As per claim 8 Nishimura as modified still does not teach comprising parsing the concatenated custom data to determine the custom data obtained for one of the at least two fields.

Leber et al. does teach comprising parsing the concatenated custom data to determine the custom data obtained for one of the at least two fields (.Leber et al. page 4, paragraph 0067, lines 2-4, wherein "concatenated custom data" could mean "message"; figure. 2b, 288).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Nishimura as modified by teachings of Leber et al. to include parsing the concatenated custom data because the data would only make sense it placed in proper format.

As per claim 11 Nishimura as modified still does not teach concatenating custom data obtained for a plurality of input fields.

Leber et al. teaches concatenating custom data obtained for a plurality of input fields (Leber et al., figure. 2b, 288).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to further combine the Nishimura as modified by teachings of Leber et al. to include concatenating of data because doing so keeps all the relevant data together.

Nishimura as modified still does not teach storing the concatenated custom data as a large object in the database.

Leber et al. teaches storing the concatenated custom data as a large object in the database (Leber et al., page 4, paragraph 0067, lines 7-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further combine the Nishimura as modified by teachings of Leber et al. to include saving the information in a database because it is more efficient to store the data in a repository that is easily accessed.

As per claim 12 Nishimura as modified is directed to the storing step further comprises storing an entry in a custom data group table for a custom data group, wherein the custom data group includes each item in the electronic purchase that matches the set of keys (Nishimura, figure 2 shows table with various keys).

As per claim 13 Nishimura as modified is directed to storing the large object in an entry in a group custom data table in the case that the custom data form is displayed once for the custom data group (Christensen et al., page 5, paragraph 0049, lines 48-51, wherein the database is made up of tables, wherein "in the case where the

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corresponding" is unnecessary as it suggests optional language); and storing the large object in an entry in an item custom data table in the case that the custom data form is displayed for each item in the custom data group (Christensen et al., page 5, paragraph 0049, lines 48-51, wherein the database is made up of tables).

### **(10) Response to Argument**

After careful review of the Final Office Action mailed 9/21/2007 and consideration of Appellants arguments, Examiner respectfully disagrees with Appellants assertion that the cited art of Nishimura (US 2001/0051904 A1), Christensen et al. (US 2002/0154114 A1), Breen Jr. et al (US 6,598,027 B1 ) and Leber et al. (US 2003/0182391 A1) fails to disclose each limitation of claims on appeal. Examiners determination was reached based on the following arguments.

Firstly, in regard to Appellants arguments that the art of Nishimura fails to disclose the element of "displaying the custom data form using the computer in the case where the corresponding matching value of an attribute in the set of keys matches the at least one value of each attribute for the item", Examiner respectfully disagrees and notes that Appellants arguments are not commiserate with the scope of the claims. Examiner notes that Appellants argument is based on the assertion that the limitation requires that the custom data form is displayed *only if* an attribute in the set of keys matches a value of an attribute for the item. Examiner asserts that the limitation specifies only what must happen when the key-item matches are identified, but does not

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specify what happens when a key-item match is not identified, and therefore does not include a negative limitation which would disallow the display of the custom data form in situations where the key-item matches are not identified. As the art cited regarding this limitation (e.g. Nishimura, Page 7, Paragraph 102, Lines 1-7, and Paragraph 103, Lines 7-9) clearly indicates that the custom data forms are displayed when the key-item matches are identified, wherein the custom forms are disclosed as the specification confirming screen displays in Paragraphs 102-103 and the keys attribute value and item attribute values are disclosed as the user input specification values and the product specification values disclosed in paragraphs 62, 66, 75-76, and 85-86, Examiner asserts that the limitation of “displaying the custom data form using the computer in the case where the corresponding matching value of an attribute in the set of keys matches the at least one value of each attribute for the item” is sufficiently disclosed by Nishimura and that the rejection is valid.

In regard to Appellants arguments that the art of Breen fails to disclose the limitation of “obtaining government regulatory information from a customer that is required to comply with disclosure and reporting requirements for a purchase of chemicals via the custom data form”, Examiner respectfully disagrees and notes that Appellants arguments are not commiserate with the scope of the claims. Examiner notes that the cited sections of Breen (Figure 2, #130; Figure 10D; Column 14, Lines 30-40) clearly disclose that information is gathered from a customer regarding regulatory licenses and geographic areas or authorization pertaining to those licenses

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via the custom form, and strongly asserts that this information meets the claim requirements of being government regulatory information. Examiner notes that the limitation requires this be done if the customer is required to comply with disclosure and reporting requirements for a purchase of chemicals, but the claim limitation does not indicate that the information must be disclosure and reporting requirement information, nor does the claim language preclude the gathering of such government regulatory information from a customer who is not required to comply with disclosure and reporting requirements for a purchase of chemicals. As the disclosure of Breen clearly demonstrates that the government regulatory information will be obtained via the custom form from a customer who is required to comply with disclosure and reporting requirements for a purchase of chemicals, Examiner asserts that the rejection is proper.

In light of the above arguments, Examiner strongly asserts that the combination of Nishimura (US 2001/0051904 A1), Christensen et al. (US 2002/0154114 A1), Breen Jr. et al (US 6,598,027 B1 ) and Leber et al. (US 2003/0182391 A1) discloses each and every limitation found in Claims 1-20, including those found to be deficient by Appellant.

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Michael J Hicks/  
Examiner, Art Unit 2165

Conferees:

/Christian P. Chace/

Supervisory Patent Examiner, Art Unit 2165

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Christian Chace

/John R. Cottingham/

Supervisory Patent Examiner, Art Unit 2167

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John Cottingham